

1.0 Purpose and Need for Proposed Action

1.1 Introduction

The Patent and Trademark Office (PTO) is an agency of the United States Department of Commerce responsible for issuing patents, registering trademarks, disseminating information, and administering the laws related to intellectual property. PTO is fully funded from the income the agency receives from users of its products and services. The General Services Administration (GSA) is the federal agency responsible for obtaining and maintaining office space for federal agencies.

The PTO currently occupies approximately 1.9 million rentable square feet in 16 separate buildings in the Crystal City area of Arlington, Virginia. PTO's current facility is in need of alterations and expansion to meet PTO's programmatic needs and increased space requirements.

The Office of Management and Budget has approved and the Congress has authorized GSA to acquire up to 2.4 million rentable square feet under a 20-year lease to meet the continued housing needs of the PTO. Government procurement laws require that this space be acquired competitively - that is, by requesting that interested private parties offer space that meets PTO's requirements.

Through a competitive lease procurement process, GSA has solicited and is currently evaluating three offers for space at sites in northern Virginia that would accommodate PTO's long-term housing needs.

This Draft Environmental Impact Statement (EIS) has been prepared by GSA in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500 - 1508, and the National Historic Preservation Act (NHPA) of 1966, as amended, in order to identify the proposed PTO consolidation's potential impacts and mitigation requirements at the three alternative sites and, in accordance with NEPA, to evaluate a No Action Alternative. The EIS addresses short-term construction-related impacts and long-term effects from the proposed operation of PTO at the three alternative sites, as well as the cumulative impacts that would result from this and other development projects that are proposed within each study area.

1.2 Purpose and Need

The purpose of the proposed PTO consolidation is to provide a facility that can improve operational efficiency and better meet the needs of PTO's employees and customers. The acquisition would provide up to 2.4 million rentable square feet of space in a new or rehabilitated building complex consisting of no more than eight buildings in northern Virginia under a 20-year lease term.

Due to its expanding workload, by the year 2001, PTO will require approximately 2 million occupiable, or 2.3 million rentable, square feet of space. Over the last decade, there has been significant growth in the number of patent and trademark applications filed. This growth is

attributed to Congressional legislation passed to strengthen patent and trademark protection, overall growth in the U.S. economy, and increased foreign party tilings for U.S. patents and trademarks. The 1999 Congressional Budget estimates receipt of 275,000 trademark applications in 1999, a ten percent increase over 1998, and 243,000 patent applications, a five percent increase over 1998. PTO staffing will increase 20 percent, from 5,889 in 1998 to 7,061 in 1999. These trends are expected to continue resulting in an on-site employee/contractor population of 7,100 by the year 2001.

The past practice of incremental procurement of PTO space has resulted in PTO occupying space in 16 separate office building locations. Space was procured for short-term expedience rather than to accommodate logical organizational relationships. The 16 different locations of PTO offices within the Crystal City area are depicted on Figure 1.2.1. The disparate locations create operational inefficiencies. Physical proximity of the various PTO technology groups to one another is essential to efficient operations, and interaction and cross-research among technology groups is an integral part of the patent and trademark examining process.

Because PTO's existing office space was constructed and leased beginning in the 1970s, many of the offices require upgrades to meet tire and life safety requirements and disabled access requirements that have been adopted since those buildings were constructed. In addition, mechanical and electrical upgrades are needed to meet the agency's current and future automation and organizational requirements.

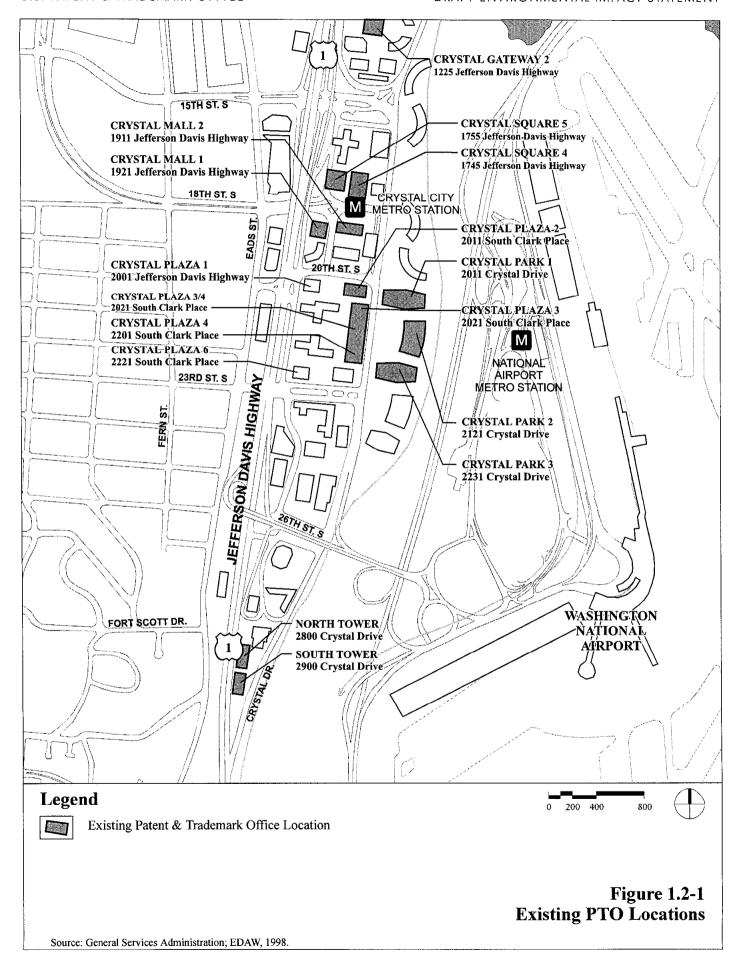
Therefore, the proposed action includes expansion space required to accommodate projected increases in patent and trademark filings, consolidation of PTO's space into no more than eight buildings to maximize and improve efficiency, and upgraded physical facilities that meet all current regulations and PTO's automation needs.

1.3 History and Background

1.3.1 Background on PTO

The PTO is responsible for issuing patents and registering trademarks, for making available and disseminating patent and trademark information, and for advising the President and the executive and legislative branches on patent and trademark protection and the trade-related aspects of intellectual property. Patents give inventors rights to their ideas. Trademarks give businesses the right to use marks that identify their products and services.

Patent law encourages technological advancement by providing incentives to inventors to disclose their technology and to investors to invest in that technology. Trademark law assists businesses in protecting the reputation of their goods and services, and safeguards consumers against confusion and deception in the marketplace. Information dissemination promotes an understanding of intellectual property protection and facilitates the development and sharing of new technologies worldwide.



1.3.2 Background on Lease Procurement

In 1989, GSA and PTO began reviewing PTO's future office space needs and analyzing approaches for consolidating and updating PTO' facilities. In the Fall of 1995, the Congress authorized GSA to competitively lease approximately 2.2 to 2.4 million rentable square feet so as to deliver approximately 2 million occupiable square feet in northern Virginia to house PTO for a 20-year term. The October 24, 1995 resolution from the Senate Committee on Environment and Public Works and the November 16, 1995 resolution from the House Committee on Transportation and Infrastructure authorized GSA to enter into an operating lease, in accordance with the Budget Enforcement Act of 1990 (P.L. 101-508) and the accompanying Conference Report (Report No. 101-964), in a facility(ies) that will yield the required occupiable area (see Appendix K for congressional resolutions).

The Congressional resolutions established that the delineated area for PTO's lease procurement be northern Virginia within the boundaries of the Potomac River on the north and east, Route 50 and the Capital Beltway on the south, Route 659, Route 7, and Goose Creek on the west, and including all areas in northern Virginia within 2,500 linear feet of a Metrorail station.

To accomplish this, GSA issued a Solicitation for Offers in June 1996 for sites that could accommodate the PTO's needs. Minimum performance requirements were stipulated in the Solicitation for Offers and generally include the following:

- there will be a maximum of eight buildings in an interconnected complex;
- except for retail tenants which are permitted on the ground floors, PTO will be the sole tenant;
- the lease will be for a 20-year firm term, with a 1 O-year extension option, and purchase options at years 20 and 30;
- the lessor will provide, within the rental consideration: 1) all roads, utilities, landscaping and other necessary site improvements; 2) base building construction; and, 3) all necessary tenant improvements.

In addition, the Solicitation for Offers included information to guide the potential lessor in designing and pricing its base building construction.

1.3.3 Evaluation of Phase I and II Offers

In accordance with Public Law 104-1 06 of February 10, 1996, and GSAR Change 71 to 49 CFR 570.006 of May 16, 1996, so as to mitigate the cost to private developers, GSA is utilizing a two-step evaluation process where the offerors that best meet minimum requirements proceed from initial (Phase I) to final (Phase II) evaluation. In the evaluation of all offers, high priority is given to price, site, quality and functionality of buildings, availability of public transportation including Metrorail, and quality of the development, design and operation and maintenance teams and minimization of relocation costs.

Following a comprehensive evaluation, four Phase I offers were found to meet all the minimum requirements, and in March 1997, those offerors were invited to submit Phase II proposals. The sites included: the Crystal City site in Arlington County, and the Potomac Yard site, the Carlyle

site, and the Eisenhower Avenue site all in the City of Alexandria (Figure 1.3-1). In March 1998, however, the Potomac Yard site offeror withdrew the site from consideration. Therefore, GSA is currently evaluating the Crystal City site, the Carlyle site, and the Eisenhower Avenue site.

The Phase II offers that were submitted in October 1997 included preliminary plans identifying the location, size and preliminary design of the proposed office buildings and parking facilities, as well as a financial offer and other details of the project and proposed interior architect.

A joint GSA/PTO team is reviewing the offers for compliance with the project's requirements and will evaluate the quality of the proposals. In the fall of 1998, after negotiations, GSA intends to award a lease to the offer that presents the best value to the Government. The successful offeror will then work with the appropriate jurisdiction to obtain final approval of site and building plans and will begin construction in early 1999. It is expected that PTO will begin occupying the facility no sooner than October 2001, and that this process would be completed within 18 months thereafter.

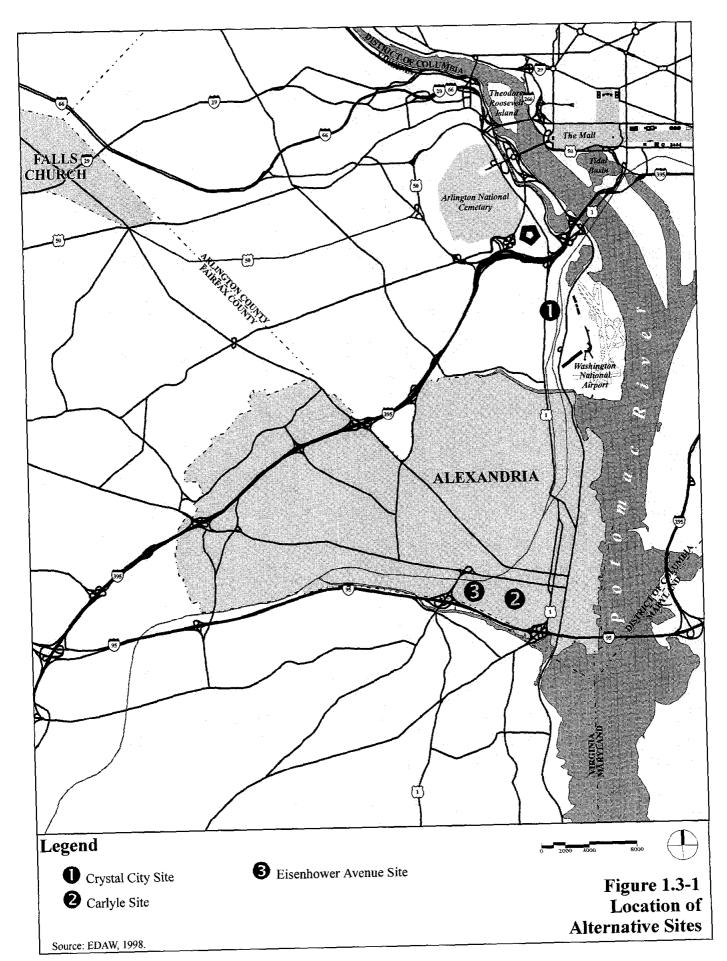
1.4 Proposed Action

The proposed action is GSA's lease of up to approximately 2.4 million rentable square feet (so as to generate approximately 2 million occupiable square feet) of upgraded and consolidated office space for the PTO with additional requirements as described below. The proposed action could be located at any of the three sites identified in Section 1.3.3 above. These alternative sites are described in Section 2.2 of this EIS along with a description of the No Action alternative.

1.4.1 Amount and Type of Space

The proposed PTO consolidation will include 1,989,116 occupiable square feet of office and related space, not including parking. The space will be contiguous in not more than eight buildings, and the PTO will be the sole tenant of all offered buildings, except for non-Government (retail) tenant space which may be located at or below the ground floor. Buildings will be interconnected by environmentally-controlled passageways. The buildings must be in Class A condition and exhibit design and construction excellence in order to promote a healthy, efficient, flexible and pleasing work environment that results in enhanced worker productivity. Employee support services, including restaurant facilities, must be located within a reasonable distance.

The future lessor of PTO's office space will provide, at its cost, (i) all roads, utilities, landscaping and other necessary site improvements, (ii) a level of build-out for all necessary improvements approximating a building shell with core areas and base systems in place, with specialized systems for certain special purpose spaces in place, but with the remaining tenant spaces resembling a "cold dark shell", and (iii) a tenant improvement allowance of \$88 million that will be used to design and construct tenant improvements and fit-out. Fit-out includes, among other things, branch and secondary distribution systems for mechanical and electrical services throughout the office areas and joint use space, floor and wall coverings, interior partitions, ceilings, interior doors, and interior window treatments.



The PTO currently anticipates that it will move in and occupy the leased space in two separate blocks, Block 1 involving approximately 5,100 people and 1.3 million occupiable square feet of space, and Block 2 involving approximately 2,000 people and the balance of the space. Most of the special purpose facilities such as the public search room, child care, etc., will be delivered in Block 2.

1.4.2 Parking and Transportation

The proposed PTO consolidation will include 25 official Government parking spaces for PTO vehicles within the proposed rental rate. In addition, the lessor will provide parking that will be paid for directly by the individual parking users. Parking must be sufficient to satisfy all local zoning and development requirements, and shall include at least 3,500 spaces. For those sites whose boundary is not located within 2,500 walkable linear feet of an operating Metrorail station, the lessor shall provide, at no additional cost to the Government or to shuttle-bus patrons, dedicated shuttle-bus services between the site and the nearest Metrorail station, sufficient to meet all PTO employee and visitor needs.

1.4.3 Lease Term and Schedule Requirements

The lease term will be for a firm 20 years and will include a 1 O-year (one 1 O-year or two 5-year) extension option(s). The lease also will include purchase options for all or designated portions of the site at the 20th and 30th lease years.

Lease award is anticipated in the fall of 1998. The construction of Block 1 is expected to be complete within four years after Lease award, and the construction of Block 2 is expected to be complete within 18 months of acceptance of all Block 1 space.

1.5 Institutional Framework

GSA's proposed lease for a consolidated PTO must comply with Federal and local environmental and historic preservation laws and procedures. As a result, the project is undergoing review pursuant to NEPA, NHPA, and the Environmental Policies and Procedures of GSA. The environmental and historic preservation review processes are part of the Federal decision-making process for the proposed lease. This EIS includes the information required to document the proposed action's effects on the environment and on historic properties as required by the NEPA and Section 106 of the NHPA. Sections 3.4.1- and 4.4.1 of this EIS (Archaeological and Historic Resources) describe how the NEPA and NHPA reviews are being coordinated for this project.

The Federal government is not acquiring or developing a fee simple interest in real property through this proposed lease action. Although the Federal government, through GSA, intends to lease the space required for PTO's consolidated and upgraded facilities, the private sector, through one of the potential lessors, will be responsible for providing the space, including any required construction or renovation. Therefore, the private lessor is responsible for acquiring any required permits or approvals required from Federal, state or local agencies or officials, including

Arlington County or the City of Alexandria. Any such permit or approval applications would likely be submitted following lease award in the fall of 1998.

1.6 Public Involvement and Agency Coordination

1.6.1 Scoping

NEPA and the CEQ regulations require that the environmental review process include a public scoping process in which citizens and public agencies provide oral and/or written comments on the issues that should be addressed in the EIS, including, but no limited to, alternatives, potential impacts, and suggested mitigation measures. The public scoping process for the proposed PTO consolidation project was initiated by publication of a Notice of Intent in the *Federal Register* on April 21, 1997. The Notice of Intent stated GSA's intent to prepare an EIS, described the environmental review process, indicated where comments on the scope of the EIS should be sent, and identified the date, time and location of two Public Scoping Meetings. The Notice of Intent also referenced a Public Information Packet available from a GSA contact person.

Public Scoping Meetings

Two Public Scoping Meetings were held as part of the scoping process for the proposed consolidated PTO. These meetings provided the community, including local officials, residents, local merchants, property owners, and other interested citizens, with the opportunity to express their concerns or support. The two public meetings were advertised in the *Washington Times* on May 8, 1997, *Alexandria Gazette Packet* on May 8, 1997, the *Washington Post* on May 9, 1997, the *Northern Virginia Sun* on May 9, 1997, and *The Journal* on May 13, 1997. In addition, a written notice of GSA's intent to prepare an EIS and to conduct the meetings was mailed to approximately 140 government agencies, local officials, community groups, and other interested persons.

The two Public Scoping Meetings were held as follows: Wednesday, June 4, 1997, 7:00 p.m., at Aurora Hills Recreation Center, 735 18th Street, in Arlington; and, Thursday, June 5, 1997, 7:30 p.m., at Alexandria City Hall, 301 King Street, Room 2000, in Alexandria.

The meetings were attended by approximately 25 people each. A Public Information Packet that described the proposed action was distributed at the meetings. Each meeting included a brief presentation by a PTO representative, a description of the project by a GSA representative, and public testimony. The public testimony was recorded verbatim by a transcriber. The transcripts of the public comments provided at the meetings were considered during data collection on existing environmental conditions and analysis of potential impacts of the proposed action.

Scoping Comment Letters

Comment letters on the scope of the EIS also were submitted to GSA during the scoping process. These letters, which were distributed to the EIS preparation team for consideration, identified issues of concern to be addressed in the EIS.

Agency Scoping Meetings

To solicit additional input on the scope of the EIS several meetings were conducted by the EIS preparation team with relevant Federal, state and local agencies. The following agencies were interviewed either in person or by telephone to obtain comments on the scope of the EIS:

<u>Federal</u>

- . Advisory Council on Historic Preservation
- Army Corps of Engineers
- . Department of the Interior:
 - National Park Service
 - U.S. Fish & Wildlife Service
- Federal Emergency Management Agency
- . National Capital Planning Commission

State (Commonwealth of Virginia)

- Department of Environmental Quality
- . Department of Historic Resources
- Department of Transportation

Regional

- . Bell Atlantic
- Metropolitan Fiber Systems
- . Northern Virginia Planning District Commission
- . Virginia American Water Company
- . Virginia Power
- Washington Gas Company
- Washington Metropolitan Area Transit Authority

Scoping Issues

Arlington County

- . Department of Community Planning Housing & Development
- Department of Economic Development
- . Department of Environmental Services
- . Department of Public Works
- Office of Historic Preservation
- . Office of the Fire Marshall

City of Alexandria

- . Alexandria Sanitation Authority
- . Department of Health Office of Environmental Quality
- Department of Transportation and Environmental Services
- Office of Alexandria Archaeology
- . Office of Historic Alexandria
- Office of Planning & Zoning

Many comments were provided to GSA during the scoping phase via letters, public testimony, and conversations with relevant government agencies. Some comments were informational in nature, providing, for example, details on the existing or future conditions at the alternative sites or in the study areas; informational comments that were relevant were incorporated into the text of this EIS. Some comments identified issues that substantively affected the scope of information or analysis presented in the EIS because they were determined to be relevant to the proposed action; the major issues and topics raised in these comments are summarized below in Table 1.6.1-1.

Table 1.6.1-1 Summary of Comments Addressing Scope of EIS

Section of EIS	Topic/Issue to be Addressed in EIS
Hydrology & Water Quality	 stormwater discharges, runoff, floodplains, protection of Chesapeake Bay and its tributaries; stormwater management measures to protect Four Mile Run potential effects to groundwater and any potential contamination from disturbance of previously contaminated soils
Vegetation and Wildlife	 possible endangered species and wetlands at the alternative sites potential construction-related impacts on existing wetlands, forests or wildlife
Land Use	 regional land use impacts as well as impacts on the immediate community potential for other related Federal agencies or contractors to relocate near a new PTO site and any associated secondary land use impacts
Plans, Policies & Controls	 compliance with NCPC's goals/policies on the deployment of federal work force and associated transportation issues conformance with local land use controls and zoning goals and policies in the Federal Employment Element of the Comprehensive Plan that pertain to the deployment of the Federal work force NCPC's review role and submission requirements for projects and master plans
Community Facilities	potential impacts to parks and recreational facilities
Environmental Justice	• environmental justice issues
Economics	 potential for other related Federal agencies or contractors to relocate near a new PTO site and any associated secondary economic impacts regional economic impacts as well as impacts on the immediate community
Fiscal	fiscal costs of moving the PTO from Arlington County to the City of Alexandria
Archaeological Resources	likelihood of archaeological resources at the alternative sites potential impacts to archaeological resources
Historic Resources	 potential impacts to above-ground historic resources potential impacts of mass and height of proposed buildings on George Washington Memorial Parkway and George Washington Masonic National Memorial
Visual Resources	 potential impacts of mass and height of proposed buildings on George Washington Memorial Parkway and George Washington Masonic National Memorial aesthetics of proposed development adjacent to or near residential areas proposed design in relation to the urban design of the surrounding area
Traffic Systems	 potential for other related Federal agencies or contractors to relocate near a new PTO site and any associated secondary traffic impacts verification of background growth numbers planned transportation improvements potential impacts from temporary road construction at undeveloped sites potential effects on traffic from a relocation of PTO to the Alexandria sites potential impacts on Interstate facilities in Alexandria, primary routes in Arlington, and public roads in Fairfax County

Table 1.6.1-I Summary of Comments Addressing Scope of **EIS**

(continued)

Traffic Systems (continued)	 possible impacts on the following intersections: Route 1, 27th St., and Clark St.; South Glebe Road and West Glebe Road potential impacts to the Boundary Channel Drive/Clark Street intersection plans for the Telegraph Road/Woodrow Wilson Bridge project and other potential access points to the Eisenhower Avenue site, such as a new Claremont Avenue exit. impacts of the Woodrow Wilson Bridge and I-95/I-395/I-495 construction projects required transportation improvements, or mitigation, at each site, which agency would be responsible for the improvements, and whether the improvements would be complete by the occupancy of each site traffic signal timing as possible mitigation
Parking	 parking impacts; separation between federal office building and parking structure for security reasons; parking impacts on adjacent residential neighborhoods. Metrorail station, commercial and residential parking costs and restrictions
Public Transportation system	 potential effects on Metrorail station capacity, especially at the Eisenhower Metrorail station adequacy of access to Metrorail and need for new Metrorail station or shuttle buses
Air Quality	 non-attainment area for ozone and potential impacts on residential neighborhoods impact on air quality of nitrogen oxides for both construction and operation (such as emission from boilers) air quality impacts related to increased traffic, including carbon monoxide levels, the adequacy of the carbon monoxide monitoring, and the effect of volatile organic emissions on ozone non-attainment emissions from construction activities and particulate contamination from the movement of dirt at currently undeveloped alternative sites
Noise Levels	mitigation measures to protect local neighborhoods from construction noise noise impacts generated from traffic and construction
Hazardous Materials	the location of previous contamination and potential impacts from contamination cleanup and off-site contamination impacts and any necessary mitigation existing and projected solid and hazardous wastes generated by PTO and the storage and transportation requirements of such wastes potential contaminated dust from cinder ballast
Urban Systems	. environmental implications if new utility infrastructure must be provided at currently undeveloped sites
Wastewater Management	. whether interceptors serving the sites in Alexandria have sufficient reserved capacity to handle additional flow generated by proposed PTO
Energy Systems	 need for electrical extensions and the availability of the 15Kv power requirement need for additional gas service lines
Solid Waste Management	. recycling efforts and conformance with local recycling goals
Communications	• need to tie into the fiber optic network for data transfer

1.6.2 Comments on the Draft EIS

Written Comments

Agencies and the public are encouraged to review and comment on the contents of this Draft EIS. Copies of the Draft EIS have been provided to the agencies, organizations and individuals listed in Appendix B. The document is also available for review at the following locations:

General Services Administration Arlington Public Library

Realty Services 2 100 Clarendon Boulevard

7th and D Streets, S.W. Suite 402

Washington, D.C. 20407 Arlington, VA 22201

Attn: Carl W. Winters

(703) 401-1025 <u>Fairfax Public Library</u> 13 135 Lee-Jackson Highway

Alexandria Public Library Suite 115-B

7 17 Queen Street Fairfax, VA 22033-1909

Alexandria, VA 223 14

Comments on the Draft EIS must be submitted to GSA or postmarked no later than: May 26, 1998. Comments should be mailed to:

General Services Administration Attn: Carl W. Winters Realty Services (WPEMC) 7th and D Streets, S.W. Washington, D.C. 20407

Public Testimony

Public comment on the Draft EIS also can be provided at two Public Meetings to be held as follows:

Wednesday, April 29, 1998 at 7:00 p.m. Thursday, April 30, 1998 at 7:30 p.m.

Aurora Hills Recreation Center Alexandria City Hall

735 18th Street, Room 2000

Arlington, Virginia Alexandria, Virginia

GSA will transcribe the testimony taken at these meetings, and responses to comments on the Draft EIS from these meetings will be included in the Final EIS.

1.6.3 Final EIS

Following receipt of comments on the Draft EIS, a Final EIS will be prepared and circulated that responds to comments submitted on the Draft EIS. The Final EIS will be used to assist the

decision-makers in their review of the project. The Final EIS is expected to be released in August, 1998. After review of the Final EIS is concluded and a decision has been reached by GSA on the lease award, a Record of Decision that explains GSA's decision on the project will be issued for public review.

1.6.4 Section 106 Consultation

Under Section 106 of the NHPA, if a federal undertaking is determined to have an adverse effect on properties included in, or eligible for, the National Register, the lead federal agency and the State Historic Preservation Officer (SHPO) enter into consultation to identify ways to avoid or reduce the adverse effects. The Advisory Council on Historic Preservation and other interested persons also can participate in consultation. Consultation typically results in a Memorandum of Agreement that stipulates the measures required to mitigate the adverse effects and identifies the responsible parties and implementation schedule.

Since potential adverse effects to historic properties from the proposed PTO project have been identified, GSA will notify the Advisory Council and consult with the Virginia SHPO and other interested persons to seek ways to avoid, reduce, or mitigate these adverse effects. During consultation, the public and interested persons are afforded an opportunity to provide comment to and consult with the federal agency and SHPO.

1.7 List of Permits/Approvals

The following is a preliminary list of the permits and approvals that could be required by various Federal, state and local agencies for the proposed action to be developed at the alternative sites. Some permits are applicable only to certain alternative sites; the required permits will be determined prior to construction at the selected site.

Federal

- . Advisory Council on Historic Preservation, Section 106 Consultation on potential effects on historic properties
- . Army Corps of Engineers, Wetland Jurisdictional Determination
- . Army Corps of Engineers, Section 401 for discharges into wetlands
- . Federal Aviation Administration, Certification of No Hazard to Air Navigation
- . Federal Emergency Management Agency, Consultation on activities proposed in floodplains

Commonwealth of Virginia

- . Department of Environmental Quality, Virginia Pollutant Discharge Elimination System
- . Virginia Air Pollution Control Board, consultation on placement or modifying on-site boilers
- . Department of Historic Resources/State Historic Preservation Office, review of possible effects on historic properties

Arlington County for Crystal City Site

- . General Land Use Plan Amendment
- . Site Plan Amendments
- . Site Engineering Plan Review

Arlington County for Crystal City Site (continued)

- . Clearing/Grading Permit
- . Demolition Permit
- . Certification of No Hazard to Air Navigation
- . Excavation/Sheeting/Shoring Permit
- . Foundation to Grade Permit
- . Full Building Permit, includes excavation and foundation permits

City of Alexandria

All Alexandria Sites

- . Final Site Plan Approval
- . Clearing/Grading Permits
- . Foundation Permit
- . Electrical/Mechanical/Building Permits

Carlyle Site

. Amendment to Special Use Permit

Eisenhower Avenue Site

- . Coordinated Development District Conceptual Plan
- . Special Use Permit Design
- . Special Use Permit Transportation Management Plan